



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 2, 2020

VIA ECF

The Honorable Denise L. Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *NBCUniversal Media, LLC et. al., v. U.S. Department of Homeland Security
Immigration and Customs Enforcement*, 20 Civ. 280 (DLC)

Dear Judge Cote:

This Office represents U.S. Department of Homeland Security Immigration and Customs Enforcement (“ICE”) in the above-referenced Freedom of Information Act (“FOIA”) action. On behalf of the parties, we write pursuant to this Court’s Order, Dkt. No. 15, and in advance of the initial pretrial teleconference scheduled for April 3, 2020, at 10:00 AM. The parties have met and conferred regarding Plaintiffs’ FOIA requests and a potential production schedule. As a result of those discussions, the parties have stipulated to the following:

- ICE shall conduct a search that attempts to identify whether any records responsive to Plaintiffs’ FOIA requests and relating to certain individuals identified by Plaintiffs have been previously produced to other parties. On or before June 1, 2020, ICE shall release to Plaintiffs all non-exempt records and portions of records responsive to the search described in the preceding sentence, and which have been previously produced to other parties.
- In parallel to and separate from the search and potential production described in the previous bullet, ICE shall process 750 pages of records responsive to Plaintiffs’ FOIA requests every forty-five days, commencing April 3, 2020 (the “45-Day Processing Period”). On or before the final day of each 45-Day Processing Period, ICE shall release to Plaintiffs all non-exempt records and portions of records processed during such 45-Day Processing Period. For the avoidance of doubt, the final day of the first 45-Day Processing Period is May 18, 2020.
- The parties shall meet and confer regarding Plaintiffs’ requests that ICE prioritize the review of certain records responsive to Plaintiffs’ FOIA requests. The parties shall also meet and confer regarding a potential additional production schedule for records responsive to Plaintiffs’ FOIA requests that may be processed by ICE in connection with litigation outside of this District and involving other plaintiffs. The parties shall file a status letter regarding these

discussions by April 15, 2020, which shall memorialize any further stipulations between the parties.

- Plaintiffs reserve the right to seek judicial approval for the amendment of their complaint in order to add claims relating to other FOIA requests submitted by Plaintiffs to ICE. ICE reserves the right to object to any proposed amendment to the complaint, consistent with the Federal Rules of Civil Procedure.
- The parties shall file a joint status letter on or before July 1, 2020, regarding the status of this action.

The parties respectfully request that the Court so-order these stipulations. Given the lack of any current dispute between the parties, all parties are amenable to an adjournment of the teleconference currently scheduled for April 3, 2020.

Thank you for your consideration of this matter.

Respectfully,

GEOFFREY S. BERMAN
United States Attorney

By: /s/ Charles S. Jacob
CHARLES S. JACOB
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, NY 10007
Mobile Tel: (347) 491-1883
charles.jacob@usdoj.gov

cc: Counsel of record (via ECF)